

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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CLERK OF COURT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

Karriem Abdullah,)
)
 Movant,) **AFFIDAVIT IN SUPPORT OF REQUEST**
) **TO ENTER DEFAULT**
)
 vs.) **Fed. R. Civ. P. 55(a)**
)
)
 United States of America,)
)
 Respondent.)

State of Arkansas)
) SS:
County of St. Francis)

Karriem Abdullah, being duly sworn, deposes and states:

1. My name is Karriem Abdullah and I am the Movant, pro se herein.
2. I am over 18 years of age. I reside at Forrest City FCC-MED, P.O. box 3000, Forrest City, AR 72336. I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit.

3. I am the Movant in this Action.

4. On November 7, 2007 I filed a Motion to Vacate the judgement of conviction entered under case # 3:07-cv-1000-WKW pursuant to 28 U.S.C. § 2255, with this Court.

5. By order of this Court, duly made and entered on November 15, 2007 [annexed as Exhibit A] the Respondent, United States of America, was ordered to file a response to the § 2255 motion by December 15, 2007 , with the admonishment that "failure to file a response in compliance with our local rule 7.1(c) will constitute waivee of the objection by the party not complying, and such failure to comply will constitute a confession of the matter raised by such pleadings."

6. Importantly, herein, the issues raised in the § 2255 motion, as admitted by the respondent by default, absolutely entitled Movant to a new trial.

7. The United States of America has failed to serve and file an Answer or Response or otherwise responded to the 28 U.S.C § 2255 Motion.

8. Under Rule 12(a) of the Federal Rules of Civil Procedure and the notice to respond, the time limit for responding to the 28 U.S.C. § 2255 Motion has now expired, and the time for the United States of America has not been extended by any

other stipulation of the parties or any order of the Court.

9. The United States of America is not an infant or an incompetent person.

CONCLUSION

10. Wherefore, Movant Karriem Abdullah prays that this Court grant judgement by Default against the Respondent The United States of America; together with such other and further relief as the Court deems just and proper.

Signed by me on January 25 2008
At Forrest City, Arkansas.

Karriem Abdullah
Karriem Abdullah
10089-002
Forrest City FCC-MED
P.O. box 3000
Forrest City, AR 72336

Sworn to before me this 25 day
of January 2008.

Sara K. Abbott
Notary Public



EXHIBIT A

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

Civil Action No. 3:07cv1000-ID

On November 7, 2007 (Doc. No. 1), the petitioner filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 in which he challenges his convictions and sentence for controlled substance offenses. Upon review of the petitioner's motion, the undersigned concludes that a limited response from the government is necessary at this time. Accordingly, the CLERK is hereby DIRECTED to serve a copy of the petitioner's § 2255 motion upon the United States Attorney for the Middle District of Alabama. The United States Attorney is

1. The petitioner's claim that he is actually innocent of the crimes for which he was convicted.
2. The applicability of the one-year period of limitation in this case pursuant to the provisions contained in 28 U.S.C. § 2255.

The government is advised that its response should contain a detailed procedural history, all relevant records, and citations to applicable case law necessary for the court to assess the petitioner's claim of actual innocence and to determine the applicability of the limitation period contained in 28 U.S.C. § 2255. Should the government's response to the instant order indicate that this case must proceed on the merits, the government will be given an adequate opportunity to file a response addressing all claims presented in the petitioner's § 2255 motion.

Done this 15th day of November, 2007.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT OF SERVICE

State of Arkansas
County of St. Francis

)
) SS.:
)

Karriem Abdullah being duly sworn, deposes and says:

I am the Movant, pro se herein. On the 25 day of January, 2008 served the below named party with the annexed Request for Default, etc. by placing a true copy thereof into a sealed, post-paid wrapper, with First Class Postage Affixed, and deposited same into the United States Mail at Forrest City FCC-MED, addressed to the party with 61 the State of Arkansas to the address(es) respectively theretofore designated by them for that purpose as follows:

United States Attorney
Middle District of Alabama
P.O. Box 197
Montgomery, Al 36101-0197

Karriem Abdullah
Karriem Abdullah
Pro Se

Sworn to before me this 25 day of
January, 2008

Sara K. Abbott
Notary Public

